



State of Utah

GARY R. HERBERT  
*Governor*

GREG BELL  
*Lieutenant  
Governor*

Office of the Governor  
PUBLIC LANDS POLICY COORDINATION

KATHLEEN CLARKE  
*Director*

M164910084  
cc: April  
Task: 5605

August 19, 2013

RECEIVED E-Mail  
AUG 20 2013  
Div. of Oil, Gas & Mining

Lynn Kunzler  
Reclamation Specialist  
Department of Natural Resources, Division of Oil Gas and Mining  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, UT 84114-5801

Subject: Black Shale and Rose Mine Status Changing from SMO to LMO  
RDCC Project Number 39401

Dear Mr. Kunzler:

The Public Lands Policy Coordination Office received the following comments from the Division of Air Quality (DAQ) on the Black Shale and Rose Mine status changing proposal.

**Division of Air Quality**

A major mining expansion may require a permit, known as an Approval Order, from the Executive Secretary of the Air Quality Board. DAQ recommends that you review the air quality regulations at [www.rules.utah.gov/publicat/code/r307/r307.htm](http://www.rules.utah.gov/publicat/code/r307/r307.htm) to determine whether the proposed expansion will require a permit.

The proposed project is in a PM-10/2.5 non-attainment area. A non-attainment area is an area that has not met the National Ambient Air Quality Standards (NAAQS). Because it is a non-attainment area, the proposed project is subject to R307-309: Fugitive Emissions and Fugitive Dust, of the Utah Air Quality Rules R307-309, requires that owners or operators of a project involving the clearing or leveling of land or access haul roads that are one-quarter acre or greater in size submit a fugitive dust control plan to the Executive Secretary of the Air Quality Board for approval before commencing dust generating activities. An online free fugitive dust plan application is available at <https://secure.utah.gov/deq-dashboard/index.html>.



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Page 2

The State of Utah appreciates the opportunity to review this proposal. Please direct any other written questions regarding this correspondence to the Public Lands Policy Coordination Office at the address below, or call Cindy Smith at (801) 537-9193.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Clarke', with a long horizontal flourish extending to the right.

Kathleen Clarke  
Director